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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/667,195	10/07/2003	Martin Kustermann	VOI0181.CIP	3263

7590 06/02/2004

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EXAMINER	
LAMB, BRENDA A	

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
10/667,195	Kustermann et al
Examiner	**Group Art Unit**
LAMB	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☑ Responsive to communication(s) filed on 10/07/03.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-39 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) 1-39 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)–(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)–(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10/07/2003 ☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19714645 (Becker) in view of Carlson 5,415,612.

Becker teaches an apparatus for coating comprising an applicator unit (15 or 16) for applying coating to a web (13) and roller (7 or 8) for guiding the web. Becker roller including a core (2) having an outer surface; and a compressible covering (4) of an elastomeric material (see Figures 1-3). Becker teaches the elastomeric material layer has a plurality of pores or open-celled cavities uniformly distributed over the volume of the elastomeric layer. Becker teaches the pore or cavity size within the elastomeric material ranges between 0.05 to 1.0 mm, which reads on pores/cavities size being substantially uniform in size. Becker fails to teach a bonding layer. However, it would

have been obvious to modify the Becker roll in the coating apparatus to provide a bonding or adhesive layer between its core and covering to securely adhere the compressible covering to core since Carlson teaches using an adhesive material between the core and covering in order to secure different materials to one another to obviously prevent displacement of the layers over time in use of the coating roll. Thus claim 1 and 17 are obvious over the combination of Becker and Carlson. With respect to claim 18, the same rejection applied to claim 1 is applied here. Further, Becker shows in Fig. 2 a roller (7) defining a press nip with the backing device (8). Becker roller (7) being configured for receiving coating from an applicator unit. Thus claim 18 is obvious over the above cited references. With respect to claims 2 and 19, Becker teaches his roller is made of a rubber or rubber like material (element 5) and an intermediate layer or a compressible covering (element 4). See Becker's figures 1-2. With respect to claim 7 and 24, Becker teaches that the pores or cavities are air filled. Becker fails to teach the pores are open filled. Carlson teaches any preferred foam as the material in the compressible layer in accordance desired degree and ability to resist solvent (see column 3 lines 58-62 and column 5 lines 55-60). Therefore, it would have been obvious that the Becker cavities/pores in the compressible covering are open-celled in order to provide desired compressability. In any event, it would have been obvious to select a open celled foam such as suggested Carlson as the material of construction of the Becker compressible covering to provide the desired characteristics as taught by Carlson et al. With respect to claims 3-4, 6, 8-15, 20-23 and 25-32, Becker shows the covering is monolithic. Becker teaches the thickness and hardness of the

layers as well as the size of the cavities/pores set the above cited claims (see pages 5-7 of the translation of Becker). With respect to claims 5, 16 and 39, although Becker fails to teach the foam is crosslinked on the core, Carlson et al teaches the foam material is poured and cured on the metal core and crosslinked using the disclosed foam composition (see Example 3 for disclosure of a foam using a crosslinking agent).

Claims 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19714645 (Becker) in view of Rantanen et al 5,650,010.

Becker teaches a coating apparatus as mentioned above. Becker fails to teach controlling operation parameters such as line force, surface or nip pressure and nip length in the claimed ranges. However, it was known in the art, at the time the invention was made to control operating parameters including nip pressure, linear load or force, and nip width or length (i.e., distance of the nip) in order to control coating weight on the web or the amount of material penetrated into the web as evidenced by Rantanen et al (see column 3, lines 52+ to column 4, lines 1-16). Therefore, given the teachings of Rantanen et al, it would have been obvious to one of ordinary skill in the art given the modifications of the Becker apparatus as discussed above to determine the appropriate range for nip pressure, linear load or force, and nip width in accordance with the amount material desired to be penetrated into the web, with the most effective range for nip pressure, linear load or force, and nip width would be determined via routine experimentation and would only require routine skill in the art.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

B.A. Lamb/dh
May 11, 2004

BRENDA A. LAMB
PRIMARY EXAMINER